IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

Tr.P(C).No. 199 of 2007()

OP.1123/2007 of FAMILY COURT,THRISSUR

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PETITIONER/RESPONDENT IN O.P.NO.1123/2007:

SHEETHAL GEORGE, AGED 38 YEARS,
D/O.J.M.GEORGE, A-4 SANTHI NAGAR ANNEX,
RAJAGIRI (P.O), KALAMASSERY, ERNAKULAM DISTRICT.

BY ADV. SRI.A.V.THOMAS
SRI.JOJO GEORGE
SRI.NIDHI SAM JOHNS

RESPONDENT: PETITIONER IN O.P.NO.1123/2007:

NOBY JOSEPH, AGED 40 YEARS, S/O.JOSEPH,
SHEELAMMU HOUSE, SANKARAPURAM ROAD,
MULANKUNNATHUKAVU, THRISSUR DISTRICT.

BY

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

M.N.KRISHNAN, J

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Tr.P.(C) No.199 OF 2007

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Dated this the 26th day of September 2007

JUDGMENT

This transfer petition is preferred to transfer O.P.No.1123 of 2007 pending before the Family Court, Thrissur to the Family Court, Ernakulam. The grounds alleged are that she is having two children. Her parents are aged and there is nobody to assist her to go to the Family Court at Thrissur. Learned counsel had also cited the decision of the Apex Court in AIR 2002 SC 396. So far as the legal position is concerned, the Apex Court in the decision reported in Anindita Das v. Srijit Das (2006 (9) SCC 197) held as follows: "At one stage the Supreme Court was showing leniency to ladies. But since then it has been found that a large number of transfer petitions are filed by women taking advantage of the leniency shown by the Supreme Court. On an average at least 10 to 15 transfer petitions are on board of each court on each admission day. It is, therefore, clear that the leniency of the Supreme Court is being misused by the women. The Supreme Court is now required to consider each petition on its merit. In this case the petitioner is a lady who is working and the Family Court, Thrissur is hardly

60 kms. away from Ernakulam good facilities are available for transportation. The children, irrespective of the fact that whether the case is being tried at Ernakulam or Thrissur have to attend the school and the parents are there to look after the children. These grounds are not sufficient to effect a transfer. But, at the same time, it has to be considered that a lady need not be directed to be present before the court on each and every occasion unless really circumstances warrant.

Therefore, I dismiss the transfer petition. But, I make it clear that the Family Court, Thrissur shall not direct the petitioner to be present on each and every occasion unless it is absolutely necessary just like for the purpose of conciliation or for evidence and when she moves an application for exemption it may be liberally considered and the matter may be disposed of on a day-to-day trial basis so that unnecessary hardship should be averted.

M.N.KRISHNAN, JUDGE

Cdp/-